



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

**CERTIFIED MAIL**

November 5, 2009

Mr. Chuck Farmer  
Construction Manager  
Diamond Companies  
350 Big Horn Road, Unit B  
Casper, Wyoming 82601

*RE: Notice of Violation, Docket Number 4552-09*

Dear Mr. Farmer:

Attached is a copy of a Notice of Violation, Docket Number 4552-09, issued to Diamond Companies (Diamond) for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Diamond Companies construction site. Violations at the site include the failure to obtain coverage under the general permit for large construction activities, failure to update the storm water pollution prevention plan (SWPPP) and site map, failure to install effective best management practices (BMPs) to control storm water runoff, and failure to conduct inspections.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Diamond should submit a Notice of Intent (NOI) to the WQD for the construction site. This information should be received by the WQD on or before December 2, 2009.
2. Diamond should submit an updated SWPPP and site map to WQD for review. This information should be received by the WQD on or before December 2, 2009.
3. Diamond should install storm water preventative measures throughout the life of the projects to ensure no sedimentation enters a water of the state.
4. Diamond should maintain compliance with all conditions established in the WYPDES storm water general permit for large construction activities.

For questions pertaining to the required information and forms please visit the website at the link provided [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp)

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*Page L-1*

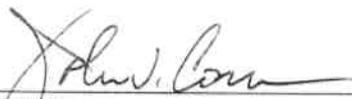
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

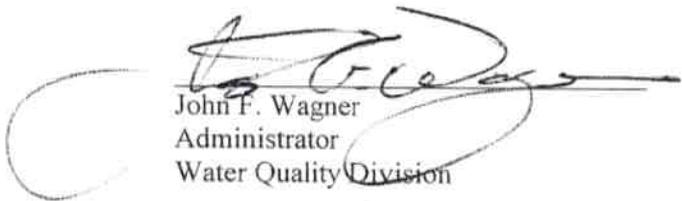
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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*Diamond Companies*  
*November 5, 2009*  
*Page L-2*

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Diamond. If Diamond wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 within 21 days of the date of this letter to set up a meeting to discuss this matter.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

Enclosure: Notice of Violation

JVC/JFW/KMW/bb/9-1009

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Kevin M. Wells (PDF)  
IPS (for scanning) ► Docket 4552-09  
Keith Guille, DEQ Public Information Officer (PDF File)

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Mr. Chuck Farmer )  
Construction Manager )  
Diamond Companies )  
350 Big Horn Road, Unit B )  
Casper, Wyoming 82601 )  
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DOCKET NUMBER 4552-09

NOTICE OF VIOLATION

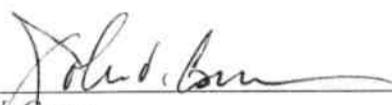
NOTICE IS HEREBY GIVEN THAT:

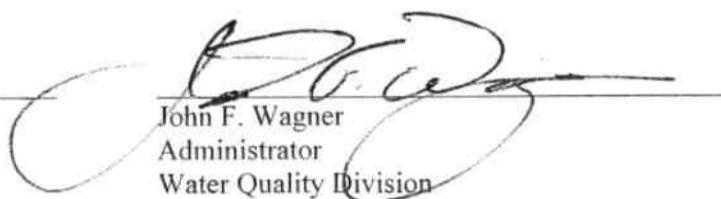
1. On June 12, 2009 and August 24, 2009 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) inspected the Diamond Companies (Diamond) construction site in Casper, Wyoming. Concerns noted during the inspection included the failure to obtain storm water coverage under the Large Construction General Permit (LCGP), failure to update the SWPPP and site map indicating BMP locations, etc., failure to install effective best management practices (BMPs) to prevent sediment from entering the drainages, and failure to stabilize disturbed slopes to prevent sediment from being transported onto vegetated areas or to surface waters of the state. These are violations of Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR);
2. Chapter 2, Section 2(a)(ii) of the WWQRR states "*All storm water discharges from industrial, construction and municipal facilities as described in Section 6 of these regulations ... shall be permitted as described in these regulations*". Chapter 2, Section 4(o)(i)(B) of the WWQRR states "*... for any storm water discharge associated with large construction activities as described in Section 6(f)(i) ... should have made an application to the administrator ... as specified in the applicable general permit.*"
3. Chapter 2, Section 6(f)(i) of the WWQRR concerning large construction activities states the following: "*Storm water discharge associated with large construction activity means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a large common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.*"
4. Part III.A.1. of the general permit for storm water discharges associated with large construction activities (general permit) states "*... any operator of a large construction activity ... shall prepare a storm water pollution prevention plan (SWPPP) and submit a Notice of Intent (NOI)... to the Department at least 30 days prior to commencing construction activities. ...*" Part III.A.3. of the general permit states "*An NOI must be submitted to the Department and coverage under this permit must be authorized in writing prior to the start of soil disturbing activities*". The DEQ has no record of receiving an NOI for the project referenced above. This is a violation of Part III.A. of the general permit and Chapter 2 of the WWQRR.
5. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation,

standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 12 day of Nov., 2009.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells WYPDES Compliance & Enforcement Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/9-1009

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
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